



Reprinted
January 23, 2002

SENATE BILL No. 141

DIGEST OF SB 141 (Updated January 22, 2002 3:49 PM - DI 52)

Citations Affected: Noncode.

Synopsis: Wetland study committee. Establishes the wetland study committee to study and make recommendations on certain aspects of wetland policy and administration. Requires the committee to submit a final report before November 1, 2002.

Effective: Upon passage.

Gard, Hume

January 7, 2002, read first time and referred to Committee on Rules and Legislative Procedure.
January 15, 2002, reported favorably — Do Pass.
January 22, 2002, read second time, amended, ordered engrossed.

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SB 141—LS 6620/DI 52+



Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

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SENATE BILL No. 141

A BILL FOR AN ACT concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this
2 SECTION, "committee" refers to the wetland study committee
3 established under this SECTION.
4 (b) There is established the wetland study committee.
5 (c) The committee consists of the following:
6 (1) Two (2) members of the house of representatives
7 appointed by the speaker of the house of representatives. The
8 members appointed under this subdivision may not be
9 members of the same political party.
10 (2) Two (2) members of the senate appointed by the president
11 pro tempore of the senate. The members appointed under this
12 subdivision may not be members of the same political party.
13 (3) Members appointed by the governor, subject to subsection
14 (d), as follows:
15 (A) One (1) representative of local government.
16 (B) Two (2) representatives of environmental interests.
17 (C) One (1) representative of business and industry.
18 (D) One (1) representative of the construction industry.

SB 141—LS 6620/DI 52+



- 1 **(E) One (1) representative of agricultural interests who is**
 2 **knowledgeable in wetland issues.**
- 3 **(F) One (1) member of the faculty of Purdue University**
 4 **who is engaged in research on wetland issues.**
- 5 **(4) The commissioner of the department of environmental**
 6 **management or the commissioner's representative.**
- 7 **(5) The director of the department of natural resources or the**
 8 **director's representative.**
- 9 **(6) The commissioner of agriculture or the commissioner's**
 10 **representative.**
- 11 **(d) If the governor does not make an appointment under**
 12 **subsection (c)(3) before May 1, 2002, the chairman of the**
 13 **legislative council shall make the appointment.**
- 14 **(e) An appointed member of the committee serves at the**
 15 **pleasure of the appointing authority identified in subsection (c).**
 16 **The appointing authority shall fill any vacancy on the committee**
 17 **within forty-five (45) days.**
- 18 **(f) The chairman of the legislative council shall designate the**
 19 **chairperson of the committee from the membership of the**
 20 **committee.**
- 21 **(g) The expenses of the committee shall be paid from**
 22 **appropriations made to the legislative council or the legislative**
 23 **services agency.**
- 24 **(h) The committee shall do the following:**
- 25 **(1) Recommend a framework for overall state policy on**
 26 **wetlands to implement the 1996 Indiana Wetland**
 27 **Conservation Plan with goals, objectives, and responsibilities,**
 28 **including recommendations on:**
- 29 **(A) as a long term strategy, the types and functions of**
 30 **wetlands that are valued in particular geographic areas;**
 31 **and**
- 32 **(B) the means for restoring, maintaining, and protecting**
 33 **wetlands, including the identification of agencies to be**
 34 **involved and the incentives to be offered.**
- 35 **(2) Determine whether sections of the water pollution control**
 36 **board's proposed rules on wetlands and proposed rules under**
 37 **Section 401 of the federal Clean Water Act (33 U.S.C. 1341)**
 38 **are redundant in relation to existing state or federal**
 39 **programs. This is to be accomplished with the goal of**
 40 **eliminating inefficient use of limited state agency resources**
 41 **and to free up agency personnel to better implement other**
 42 **programs.**

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1 (3) Recommend the appropriate role and components of
 2 banking programs as part of a mitigation rule to foster
 3 private initiatives to restore wetlands in the context of a
 4 rational statewide wetland strategy.

5 (4) Suggest a statutory definition of "private pond" as used in
 6 the definition of "waters" in IC 13-11-2-265, in light of the
 7 decision in Solid Waste Agency of Northern Cook County v.
 8 United States Army Corps of Engineers, 531 U.S. 159 (2001).

9 (5) Suggest a statutory definition of "waters of the state".

10 (6) Submit its final report before November 1, 2002, to:

11 (A) the governor;

12 (B) the executive director of the legislative services agency;

13 and

14 (C) the environmental quality service council.

15 (i) The legislative services agency shall provide staff support to
 16 the committee.

17 (j) Each member of the committee who is not a state employee
 18 is entitled to the minimum salary per diem provided by
 19 IC 4-10-11-2.1(b). The member is also entitled to reimbursement
 20 for traveling expenses as provided under IC 4-13-1-4 and other
 21 expenses actually incurred in connection with the member's duties
 22 as provided in the state policies and procedures established by the
 23 Indiana department of administration and approved by the budget
 24 agency.

25 (k) Each member of the committee who is a state employee is
 26 entitled to reimbursement for traveling expenses as provided under
 27 IC 4-13-1-4 and other expenses actually incurred in connection
 28 with the member's duties as provided in the state policies and
 29 procedures established by the Indiana department of
 30 administration and approved by the budget agency.

31 (l) Each member of the committee who is a member of the
 32 general assembly is entitled to receive the same per diem, mileage,
 33 and travel allowances paid to members of the general assembly
 34 serving on interim study committees established by the legislative
 35 council. Per diem, mileage, and travel allowances paid under this
 36 subsection shall be paid from appropriations made to the
 37 legislative council or the legislative services agency.

38 (m) The affirmative votes of a majority of the members of the
 39 committee are required for the committee to take action on any
 40 measure, including the final report.

41 (n) Except as specified in this SECTION, the committee shall
 42 operate under the rules of the legislative council.



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1 **(o) This SECTION expires January 1, 2003.**
2 **SECTION 2. An emergency is declared for this act.**

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SENATE MOTION

Mr. President: I move that Senator Hume be added as second author of Senate Bill 141.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 141, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 141 as introduced.)

GARTON, Chairperson

Committee Vote: Yeas 6, Nays 2.

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SENATE MOTION

Mr. President: I move that Senate Bill 141 be amended to read as follows:

Page 3, line 10, delete "December" and insert "**November**".

(Reference is to SB 141 as printed January 16, 2002.)

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